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(Original Signature of Member)

110TH CONGRESS
2D SESSION

H. R. _____

To promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. OBERSTAR (for himself, Mr. MICA, and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on

A BILL

To promote increased public transportation use, to promote increased use of alternative fuels in providing public transportation, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Saving Energy
5 Through Public Transportation Act of 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) In 2007, people in the United States took
2 more than 10.3 billion trips using public transpor-
3 tation, the highest level in 50 years.

4 (2) Public transportation use in the United
5 States is up 32 percent since 1995, a figure that is
6 more than double the growth rate of the Nation's
7 population and is substantially greater than the
8 growth rate for vehicle miles traveled on the Na-
9 tion's highways for that same period.

10 (3) Public transportation use saves fuel, re-
11 duces emissions, and saves money for the people of
12 the United States.

13 (4) The direct petroleum savings attributable to
14 public transportation use is 1.4 billion gallons per
15 year, and when the secondary effects of transit avail-
16 ability on travel are also taken into account, public
17 transportation use saves the United States the
18 equivalent of 4.2 billion gallons of gasoline per year
19 (more than 11 million gallons of gasoline per day).

20 (5) Public transportation use in the United
21 States is estimated to reduce carbon dioxide emis-
22 sions by 37 million metric tons annually.

23 (6) An individual who commutes to work using
24 a single occupancy vehicle can reduce carbon dioxide
25 emissions by 20 pounds per day (more than 4,800

1 pounds per year) by switching to public transpor-
2 tation.

3 (7) Public transportation use provides an af-
4 fordable alternative to driving, as households that
5 use public transportation save an average of \$6,251
6 every year.

7 (8) Although under existing laws Federal em-
8 ployees in the National Capital Region receive tran-
9 sit benefits, transit benefits should be available to all
10 Federal employees in the United States so that the
11 Federal Government sets a leading example of great-
12 er public transportation use.

13 (9) Increasing public transportation use is a na-
14 tional priority.

15 **SEC. 3. GRANTS TO IMPROVE PUBLIC TRANSPORTATION**
16 **SERVICES.**

17 (a) AUTHORIZATIONS OF APPROPRIATIONS.—

18 (1) URBANIZED AREA FORMULA GRANTS.—In
19 addition to amounts allocated under section
20 5338(b)(2)(B) of title 49, United States Code, to
21 carry out section 5307 of such title, there is author-
22 ized to be appropriated \$750,000,000 for each of fis-
23 cal years 2008 and 2009 to carry out such section
24 5307. Such funds shall be apportioned in accordance
25 with section 5336 (other than subsections (i)(1) and

1 (j)) of such title but may not be combined or com-
2 mingled with any other funds apportioned under
3 such section 5336.

4 (2) FORMULA GRANTS FOR OTHER THAN UR-
5 BANIZED AREAS.—In addition to amounts allocated
6 under section 5338(b)(2)(G) of title 49, United
7 States Code, to carry out section 5311 of such title,
8 there is authorized to be appropriated \$100,000,000
9 for each of fiscal years 2008 and 2009 to carry out
10 such section 5311. Such funds shall be apportioned
11 in accordance with such section 5311 but may not
12 be combined or commingled with any other funds
13 apportioned under such section 5311.

14 (b) USE OF FUNDS.—Notwithstanding sections 5307
15 and 5311 of title 49, United States Code, the Secretary
16 of Transportation may make grants under such sections
17 from amounts appropriated under subsection (a) only for
18 one or more of the following:

19 (1) If the recipient of the grant is reducing, or
20 certifies to the Secretary that, during the term of
21 the grant, the recipient will reduce one or more fares
22 the recipient charges for public transportation, those
23 operating costs of equipment and facilities being
24 used to provide the public transportation that the re-
25 cipient is no longer able to pay from the revenues

1 derived from such fare or fares as a result of such
2 reduction.

(2) If the recipient of the grant is expanding, or certifies to the Secretary that, during the term of the grant, the recipient will expand public transportation service, those operating and capital costs of equipment and facilities being used to provide the public transportation service that the recipient incurs as a result of the expansion of such service.

(c) FEDERAL SHARE.—Notwithstanding any other provision of law, the Federal share of the costs for which a grant is made under this section shall be 100 percent.

(d) PERIOD OF AVAILABILITY.—Funds appropriated under this section shall remain available for a period of 2 fiscal years.

16 SEC. 4. INCREASED FEDERAL SHARE FOR CLEAN AIR ACT
17 COMPLIANCE.

18 Notwithstanding section 5323(i)(1) of title 49,
19 United States Code, a grant for a project to be assisted
20 under chapter 53 of such title during fiscal years 2008
21 and 2009 that involves acquiring clean fuel or alternative
22 fuel vehicle-related equipment or facilities for the purposes
23 of complying with or maintaining compliance with the
24 Clean Air Act (42 U.S.C. 7401 et seq.) shall be for 100
25 percent of the net project cost of the equipment or facility

1 attributable to compliance with that Act unless the grant
2 recipient requests a lower grant percentage.

3 **SEC. 5. TRANSPORTATION FRINGE BENEFITS.**

4 (a) REQUIREMENT THAT AGENCIES OFFER TRANSIT
5 PASS TRANSPORTATION FRINGE BENEFITS TO THEIR
6 EMPLOYEES NATIONWIDE.—

7 (1) IN GENERAL.—Section 3049(a)(1) of the
8 Safe, Accountable, Flexible, Efficient Transportation
9 Equity Act: A Legacy for Users (5 U.S.C. 7905
10 note; 119 Stat. 1711) is amended—

11 (A) by striking “Effective” and all that
12 follows through “each covered agency” and in-
13 serting “Each agency”; and

14 (B) by inserting “at a location in an ur-
15 banized area of the United States that is served
16 by fixed route public transportation” before
17 “shall be offered”.

18 (2) CONFORMING AMENDMENTS.—Section
19 3049(a) of such Act (5 U.S.C. 7905 note; 119 Stat.
20 1711) is amended—

21 (A) in paragraph (3)—

22 (i) by striking subparagraph (A); and

23 (ii) by redesignating subparagraphs

24 (B) through (F) as subparagraphs (A)

25 through (E), respectively; and

1 (B) in paragraph (4) by striking “a cov-
2 ered agency” and inserting “an agency”.

3 (b) GUIDANCE.—Section 3049(a) of such Act (5
4 U.S.C. 7905 note; 119 Stat. 1711) is amended by adding
5 at the end the following:

6 “(5) GUIDANCE.—

7 “(A) ISSUANCE.—Not later than 60 days
8 after the date of enactment of this paragraph,
9 the Secretary of Transportation shall issue
10 guidance on nationwide implementation of the
11 transit pass transportation fringe benefits pro-
12 gram under this subsection.

13 “(B) UNIFORM APPLICATION.—

14 “(i) IN GENERAL.—The guidance to
15 be issued under subparagraph (A) shall
16 contain a uniform application for use by all
17 Federal employees applying for benefits
18 from an agency under the program.

19 “(ii) REQUIRED INFORMATION.—As
20 part of such an application, an employee
21 shall provide, at a minimum, the employ-
22 ee’s home and work addresses, a break-
23 down of the employee’s commuting costs,
24 and a certification of the employee’s eligi-
25 bility for benefits under the program.

1 “(iii) WARNING AGAINST FALSE
2 STATEMENTS.—Such an application shall
3 contain a warning against making false
4 statements in the application.

5 “(C) INDEPENDENT VERIFICATION RE-
6 QUIREMENTS.—The guidance to be issued
7 under subparagraph (A) shall contain inde-
8 pendent verification requirements to ensure
9 that, with respect to an employee of an agen-
10 cy—

11 “(i) the eligibility of the employee for
12 benefits under the program is verified by
13 an official of the agency;

14 “(ii) employee commuting costs are
15 verified by an official of the agency; and

16 “(iii) records of the agency are
17 checked to ensure that the employee is not
18 receiving parking benefits from the agency.

19 “(D) PROGRAM IMPLEMENTATION RE-
20 QUIREMENTS.—The guidance to be issued
21 under subparagraph (A) shall contain program
22 implementation requirements applicable to each
23 agency to ensure that—

24 “(i) benefits provided by the agency
25 under the program are adjusted in cases of

1 employee travel, leave, or change of ad-
2 dress;

3 “(ii) removal from the program is in-
4 cluded in the procedures of the agency re-
5 lating to an employee separating from em-
6 ployment with the agency; and

7 “(iii) benefits provided by the agency
8 under the program are made available
9 using an electronic format (rather than
10 using paper fare media) where such a for-
11 mat is available for use.

12 “(E) ENFORCEMENT AND PENALTIES.—
13 The guidance to be issued under subparagraph
14 (A) shall contain a uniform administrative pol-
15 icy on enforcement and penalties. Such policy
16 shall be implemented by each agency to ensure
17 compliance with program requirements, to pre-
18 vent fraud and abuse, and, as appropriate, to
19 penalize employees who have abused or misused
20 the benefits provided under the program.

21 “(F) PERIODIC REVIEWS.—The guidance
22 to be issued under subparagraph (A) shall re-
23 quire each agency, not later than September 1
24 of the first fiscal year beginning after the date
25 of enactment of this paragraph, and every 3

1 years thereafter, to develop and submit to the
2 Secretary a review of the agency's implementa-
3 tion of the program. Each such review shall
4 contain, at a minimum, the following:

5 “(i) An assessment of the agency's
6 implementation of the guidance, including
7 a summary of the audits and investiga-
8 tions, if any, of the program conducted by
9 the Inspector General of the agency.

10 “(ii) Information on the total number
11 of employees of the agency that are partici-
12 pating in the program.

13 “(iii) Information on the total number
14 of single occupancy vehicles removed from
15 the roadway network as a result of partici-
16 pation by employees of the agency in the
17 program.

18 “(iv) Information on energy savings
19 and emissions reductions, including reduc-
20 tions in greenhouse gas emissions, result-
21 ing from reductions in single occupancy ve-
22 hicle use by employees of the agency that
23 are participating in the program.

24 “(v) Information on reduced conges-
25 tion and improved air quality resulting

1 from reductions in single occupancy vehicle
2 use by employees of the agency that are
3 participating in the program.

4 “(vi) Recommendations to increase
5 program participation and thereby reduce
6 single occupancy vehicle use by Federal
7 employees nationwide.

8 “(6) REPORTING REQUIREMENTS.—Not later
9 than September 30 of the first fiscal year beginning
10 after the date of enactment of this paragraph, and
11 every 3 years thereafter, the Secretary shall submit
12 to the Committee on Transportation and Infrastruc-
13 ture and the Committee on Oversight and Govern-
14 ment Reform of the House of Representatives and
15 the Committee on Banking, Housing, and Urban Af-
16 fairs of the Senate a report on nationwide implemen-
17 tation of the transit pass transportation fringe bene-
18 fits program under this subsection, including a sum-
19 mary of the information submitted by agencies pur-
20 suant to paragraph (5)(F).”.

21 (c) EFFECTIVE DATE.—Except as otherwise specifi-
22 cally provided, the amendments made by this section shall
23 become effective on the first day of the first fiscal year
24 beginning after the date of enactment of this Act.

1 **SEC. 6. CAPITAL COST OF CONTRACTING VANPOOL PILOT**
2 **PROGRAM.**

3 (a) **ESTABLISHMENT.**—The Secretary of Transpor-
4 tation shall establish and implement a pilot program to
5 carry out vanpool demonstration projects in not more than
6 3 urbanized areas and not more than 2 other than urban-
7 ized areas.

8 (b) **PILOT PROGRAM.**—

9 (1) **IN GENERAL.**—Notwithstanding section
10 5323(i) of title 49, United States Code, for each
11 project selected for participation in the pilot pro-
12 gram, the Secretary shall allow the non-Federal
13 share provided by a recipient of assistance for a cap-
14 ital project under chapter 53 of such title to include
15 the amounts described in paragraph (2).

16 (2) **CONDITIONS ON ACQUISITION OF VANS.**—
17 The amounts referred to in paragraph (1) are any
18 amounts expended by a private provider of public
19 transportation by vanpool for the acquisition of vans
20 to be used by such private provider in the recipient's
21 service area, excluding any amounts the provider
22 may have received in Federal, State, or local govern-
23 ment assistance for such acquisition, if the private
24 provider enters into a legally binding agreement with
25 the recipient that requires the private provider to
26 use all revenues it receives in providing public trans-

1 portation in such service area, in excess of its oper-
2 ating costs, for the purpose of acquiring vans to be
3 used by the private provider in such service area.

4 (c) PROGRAM TERM.—The Secretary may approve an
5 application for a vanpool demonstration project for fiscal
6 years 2008 through 2009.

7 (d) REPORT TO CONGRESS.—Not later than one year
8 after the date of enactment of this Act, the Secretary shall
9 submit to the Committee on Transportation and Infra-
10 structure of the House of Representatives and the Com-
11 mittee on Banking, Housing, and Urban Affairs of the
12 Senate a report containing an assessment of the costs,
13 benefits, and efficiencies of the vanpool demonstration
14 projects.

15 **SEC. 7. INCREASED FEDERAL SHARE FOR END-OF-LINE**
16 **FIXED GUIDEWAY STATIONS.**

17 Notwithstanding section 5309(h) of title 49, United
18 States Code, a grant for a capital project to be assisted
19 under section 5309 of such title during fiscal years 2008
20 and 2009 that involves the acquisition of real property for,
21 or the design, engineering, or construction of, additional
22 parking facilities at an end-of-line fixed guideway station
23 shall be for 100 percent of the net capital cost of the
24 project unless the grant recipient requests a lower grant
25 percentage.